

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ROBERT JAMES HART,)	
)	
Petitioner)	
v.)	2:23-cv-00159-GZS
)	
ERIC SAMSON,)	
)	
Respondent)	

**ORDER ON MOTION TO AMEND
PETITION FOR WRIT OF HABEAS CORPUS AND
SUPPLEMENTAL RECOMMENDED DECISION AFTER PRELIMINARY
REVIEW**

Following a review of Petitioner's request for habeas relief pursuant to 28 U.S.C. § 2241, I concluded abstention was required under *Younger v. Harris*, 401 U.S. 37 (1971), and recommended the Court dismiss the matter. (Recommended Decision, ECF No. 3.) In response to the recommended decision, Petitioner filed a pleading the court characterized as a motion to amend the petition and an objection to the recommended decision. (Objection; Motion to Amend, ECF No. 4.)

In his filing, Petitioner reiterates and expands upon his substantive claims for relief. I grant the motion to amend. Petitioner's request for habeas relief is amended to include Petitioner's assertions in the motion to amend.

The amendment, however, does not result in a different recommendation. Petitioner alleges claims (e.g., unlawful custodial interrogation, delayed disclosure of exculpatory evidence) he can challenge in the underlying criminal proceeding. Petitioner's amendment

also includes conclusory allegations of “bad faith” by Defendants, but Petitioner has failed to allege a plausible factual basis to prevent application of the doctrine of *Younger* abstention. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). For the reasons articulated in the recommended decision, abstention is still required. Accordingly, I recommend the Court dismiss Petitioner’s amended request for habeas relief.

NOTICE

Any objections to the order on the motion to amend shall be filed in accordance with Federal Rule of Civil Procedure 72.

A party may file objections to those specified portions of a magistrate judge’s report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which de novo review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof.

Failure to file a timely objection shall constitute a waiver of the right to de novo review by the district court and to appeal the district court’s order.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 27th day of April, 2023.